

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

RAJYA SABHA

**UNSTARRED QUESTION NO.2026
TO BE ANSWERED ON THURSDAY, THE 05th AUGUST, 2021**

NORMS FOR JUDGES TO POPULATION RATIO

**2026. SHRI K.C. VENUGOPAL:
SHRI SANJAY SETH:**

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether any norms have been laid down regarding the ratio of the number of Judges to the total population of the country, if so, the details thereof along with the present ratio in this regard;**
- (b) whether the Judge-population ratio has deteriorated in the country during each of the last three years and the current year, if so, the details thereof;**
- (c) whether Government has made/proposes to make any assessment of the Judge-population ratio in the country, if so, the details thereof; and**
- (d) the steps taken by Government to improve the Judge-population ratio in the country?**

**ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a): In order to calculate the judge-population ratio for per million population in a particular year, the Department uses the criterion of using the population as per Census 2011 and as per available information regarding sanctioned strength of Judges in Supreme Court, High Court and District & Subordinate Courts in the particular year. Using the above criterion, the judge-population ratio works out to be 21.03 Judges per million population for the year 2020.

The sanctioned strength of Judges in Supreme Court increased from 31 in 2014 to 34 in the year 2020. The sanctioned strength of Judges of High Courts increased from

906 judges in June 2014 to 1079 judges in December, 2020 and the sanctioned strength of Judges of District/Subordinate Courts increased from 19,518 in the year 2014 to 24,225 in the year 2020.

(b):The judge-population ratio in the country for the last three years is as follows :

Year	Judge- Population Ratio (per million population)
2018	19.78
2019	20.39
2020	21.03

As per the increase in the sanctioned strength of the respective courts, the judge-population has increased accordingly in the last three years.

(c) & (d): In the case of *Intiyaz Ahmed versus State of Uttar Pradesh and others*, the Supreme Court had asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts required to clear the backlog of cases. In 245th Report (2014), the Law Commission observed that filing of cases *per capita* varies substantially across geographical units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the “*Rate of Disposal*” method, to calculate the number of additional judges required to clear the backlog of cases as well as to ensure that new backlog is not created, is more pragmatic and useful.

In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS Committee) to examine the recommendations made by the Law Commission and to furnish its recommendations in this regard. NCMS

Committee submitted its report to the Supreme Court in March, 2016. The report, *inter-alia*, observes that in the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of “*Judicial Hours*” required for disposing of the case load of each court. In the interim, the Committee has proposed a “*weighted*” disposal approach *i.e.* disposal weighted by the nature and complexity of cases in local conditions.

As per the direction of the Hon’ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all the State Governments and High Courts to enable them to take follow up action to determine the required Strength of district and subordinate judiciary.

Filling up of vacancies in the Supreme Court and High Courts is a continuous and collaborative process, between the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities. Initiation of proposal for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while initiation of proposals for appointment of Judges in High Courts vests with the Chief Justice of the High Court concerned. While every effort is made to fill up the existing vacancies expeditiously, vacancies in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also the increase in the strength of Judges.

As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of High Court and State Government concerned. In September, 2016, Union Minister of Law & Justice wrote to the Chief Ministers of States and the Chief Justices of High Courts to enhance the cadre strength of the District and Subordinate Courts and provide physical infrastructure to the State judiciary. The same was reiterated in May, 2017. In August, 2018, in the context of increasing pendency of cases, the Union Minister of Law & Justice has written to all

Chief Justices of High Courts to monitor the status of the vacancies regularly and to ensure proper coordination with the state Public Service Commission to fill up vacant posts as per time schedule prescribed by the Hon'ble Supreme Court in the Malik Mazhar Sultan case. The filling up of vacancies is also being monitored by the Supreme Court in a *suo-motu* Writ Petition (Civil) No. 2 of 2018.

A series of meetings were held with Registrars General of all High Courts and Law Secretaries of all State Governments / UTs in January 2018, July 2018 and November 2018 to follow up on filling up posts of Judicial Officers in District and Subordinate Courts. The Department of Justice has hosted a web-portal on its website for reporting and monitoring of sanctioned and working strength, and vacancies of Judicial Officers of District and Subordinate Courts on monthly basis.
